

EXHIBIT 3



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

Claire Laporte
Boston Office
617.832.1210
claporte@foleyhoag.com

September 22, 2004

By E-mail

David I. Gindler, Esq.
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276

Re: *In Re: Columbia University*
MDL No. 1592

Dear David:

This is to confirm our conversation of earlier this evening concerning the depositions in the multidistrict litigation.

The schedule the parties have agreed upon is as follows:

September 27:	Dr. Lennarz	New York
September 29:	Dr. Dolnick	New York
September 30:	Dr. Lodish	Boston
October 2:	Dr. Kellems	Boston

Please send us notices of these depositions advising us of the particulars. You are welcome to use our offices in Boston if you wish.

As to the matters on which we are not in agreement, you have offered to produce Dr. Ruddle for a single 7-hour day on October 1. You have also indicated that Columbia will not produce Dr. Ruddle for more than one day, notwithstanding the fact that all the plaintiffs will be involved in examining him. This is not acceptable to the plaintiffs, and we will bring the matter to Judge Wolf promptly. We will be seeking two consecutive days. Since you have offered to produce Dr. Ruddle on October 1, we are willing to continue his examination on October 2. We are also willing to take Dr. Ruddle's deposition on September 30 and October 1, or October 3 and 4.

David I. Gindler, Esq.
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Please advise me if you disagree with my understanding of our conversation.

Very truly yours,

A handwritten signature in black ink that reads "Claire Laporte". The signature is fluid and cursive, with the first name "Claire" and last name "Laporte" clearly distinguishable.

Claire Laporte

cc: Wayne M. Barsky, Esq.
Thomas F. Maffei, Esq.
Mark A. Pals, Esq.
Patricia A. Carson, Esq.
Leora Ben-Ami, Esq.
Arthur Wineburg, Esq.
Vicki G. Norton, Esq.
Eileen M. Herlihy, Esq.

Adrian M. Pruetz, Esq.
Robert W. Stone, Esq.
Paul Schuck, Esq.
Marcus E. Sernel, Esq.
Melissa Mandrgoc, Esq.
Steven A. Zalesin, Esq.
Donald R. Ware, Esq.
Eva Zei, Esq.